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Crl.RC.No.50 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2024

CORAM :

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.50 of 2023
and
Crl.M.P.No.281 of 2023

R.Manickaraj

..Petitioner

Vs.

1. T.Tharani

2. Minor Lakshitha Shri

Rep.by her mother and next friend T.Tharani

..Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal

Procedure to set aside the order dated 11.10.2022 made in CMP.No.5898 of 2022 in M.C.No.30 of 2019 on the file of the Judicial Magistrate No.I, Udumalpet.

For Petitioner : Mr.C.Veera Raghavan

For Respondents : No appearance

ORDER

This Criminal Revision Case is filed to quash the order dated 11.10.2022 made in CMP.No.5898 of 2022 in M.C.No.30 of 2019 on the



Crl.RC.No.50 of 2023

file of the Judicial Magistrate No.I, Udumalpet.

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2. The case of the petitioner is that the respondents filed a petition u/s.243 of Cr.P.C. in C.M.P.No.5898 of 2022 in M.C.No.30 of 2019 before the Trial Court seeking a direction to all Women Police Station, Palladam to appear and testify with the DSR Register in order to substantiate the fact that all the jewellery worn by the wife of the petitioner and the household appliances given during the time of their marriage were returned to the respondents. The trial court after adjudication dismissed the said petition stating that examination of Inspector of Police All Women Police Station, Palladam is not necessary to prove the case of the respondents. Hence, this petition.

3. The learned counsel for the petitioner/husband submits that at the time of arguments, he prayed this Court to permit the petitioner to produce all the necessary documents in the manner known to law.

4. Though the notice was served on the respondent, no one appeared



Crl.RC.No.50 of 2023

on his behalf. Considering the period of pendency of this petition, the same

is disposed of based on the materials available on record.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. The case was posted for hearing. However, no documents have been produced before this Court. In such circumstances, in view of the submission made by the learned counsel for the petitioner, the present criminal revision petition is dismissed with liberty to the petitioner to take defence against his case by examining himself as party before the Trial Court and mark the necessary documents, if the main M.C.No.30 of 2019 is still pending before the Trial Court. Consequently, the connected criminal miscellaneous petition is closed.

08.04.2024

1/2

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Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

3/5



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CrI.RC.No.50 of 2023

M.DHANDAPANI, J.

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To

The Judicial Magistrate No.I, Udumalpet.

CrI.RC.No.50 of 2023

08.04.2024

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4/5



Crl.RC.No.50 of 2023

Crl.M.P.No.282 of 2023
& Crl.R.C.No.50 of 2023

WEB COPY

M.DHANDAPANI,J

The personal appearance of the petitioner before the Court below is dispensed with.

08.04.2024

2/2

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